

REMARKS

Applicants have amended claims 1, 8, 9, 12, 19 and 20 as set forth above. No new matter has been added by way of these amendments. Applicants note with appreciation the Office's indication that claims 37, 41-44 and 48-50 were allowable and claims 4-7 and 15-18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider the outstanding rejection.

The Office has rejected claims 1, 3, 10-12, 14, 21 and 22 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,292,212 to Zigadlo and claims 8, 9, 19 and 20 under 35 U.S.C. 103(a) as being unpatentable over Zigadlo in view of U.S. Patent No. 6,256,067 to Yamada. The Office asserts Zigadlo discloses an image acquisition system (Figure 1, Item 10 excluding Item 22) having an image sensor (Figure 1, Item 12) which has a set of color filters thereon (Figure 1, Item 14), and two or more color channels having a different spectral sensitivity (Figure 2, G+IR, R+IR, IR) and a set of color filters (Figure 1, Item 22), each of the color filters having a different spectral transmittance (e.g. Figure 1, Item 24 filters IR, Figure 1, Item 26 filters yellow), the filters positioned between the scene (Figure 1, Item 20) and the image acquisition system (Figure 1, Item 10 excluding Item 22). The Office asserts Zigadlo further discloses a spectral image processing system (Figure 1, Item 28) which generates a multi-spectral scene description (e.g. an image display) from the acquired first series of filtered images (c. 4, 1. 64 c. 5, I. 13). The Office asserts that Zigadlo further discloses that the camera can be used with filter 26 in place to function as an infrared camera and can be used with filter 24 in place to function as a true color camera (c. 3, I. 64 - c. 4, 1. 2). The Office asserts it would have been obvious to one of ordinary skill in the art at the time the invention was made to capture a series of images with a first image filtered by filter 26 and a second image filtered by filter 24 to capture an infrared description of the scene and a true color description of the scene. The Office acknowledges Zigadlo does not specifically disclose that filters 24 and 26 are non-interference filters, but takes Official Notice that the use of absorption type non-interference filters are notoriously well known in the art as commonly available color filters which can be obtained at most camera stores. The Office asserts it would have been obvious to one of ordinary skill in the art at the time the invention was made to use absorption type color filters for the IR and Y filters of Zigadlo since they are easily available.

Applicants' note with appreciation the Office's comments with respect to Applicants prior response and arguments regarding Zigadlo and acknowledgement that Zigadlo only discloses processing images individually. Accordingly, Applicants have amended claims 1 and 12 as set forth above to clarify that the multi-spectral scene description is generated from two or more of the acquired first series of filtered images which as the Office's has noted is not taught or suggested by Zigadlo. Additionally, Applicants have returned claims 8, 9, 19, and 20 in their original dependent form. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the rejection of claims 1 and 12. Since claims 3 and 8-11 depend from and contain the limitations of claim 1 and claim 14, and 19-22 depend from and contain limitations of claim 12, they are distinguishable over the cited references and patentable in the same manner as claims 1 and 12.

The Office has objected to claims 4-7 and 15-18 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the foregoing amendments and remarks with respect to independent claims 1 and 12 from which these claims depend, no amendment is believed to be necessary and these claims are believed to be in condition for allowance. A notice to that effect is respectfully requested.

In view of all of the foregoing, Applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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